

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated March 30, 2005, having a shortened statutory period for response set to expire on April 29, 2005. Claims 5-9 have been amended to correct matters of form. Claims 4, 13-15 and 19 have been amended to more clarify the invention. Applicants believe no new matter has been introduced by the amendments presented herein. The amendments have been made in a good faith effort to advance prosecution on the merits. These amendments are not presented to distinguish a reference, and thus, the claims as amended are entitled to a full range of equivalents. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-19 stand rejected under 35 U.S.C. § 121 as follows:

- I. Claims 1-3, drawn to a charged particle beam apparatus using beam shaping means as an aperture for switching the operation between the SEM providing serial imaging and SEEM providing parallel imaging, classified in class 250, subclass 310.
- II. Claims 4-12, drawn to a charged particle beam apparatus using an objective lens for switching the operation between the SEM providing serial imaging and SEEM providing parallel imaging, classified in class 250, subclass 396R.
- III. Claim 13, drawn to a method for operating a charged particle beam apparatus in a serial imaging mode SEM, classified in class 250, subclass 307.
- IV. Claim 14, drawn to a method for operating a charged particle beam apparatus in a parallel imaging mode SEEM, classified in class 250, subclass 307.

V. Claim 15-18, drawn to a method for operating a charged particle beam apparatus in a parallel imaging mode SEEM and including a light beam provided by PEEM, classified in class 250, subclass 251.

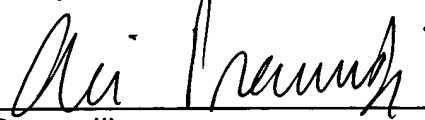
VI. Claim 19, drawn to a method for operating a charged particle beam apparatus by controlling a working plane of an objective lens, classified in class 250, subclass 396R.

The Examiner takes the position that the differing limitations make the inventions different. In response, Applicants provisionally elect claims 1-12 with traverse for consideration by the Examiner. Claims 4-12 have been amended to depend from claim 1. As such, claims 4-12 involve the same inventive concept as claims 1-3. Claims 13-15 and 19 have been amended to include all the limitations of claim 1. As such, claims 13-19 involve the same inventive concept as claims 1-3. Withdrawal of the restriction is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Restriction Requirement, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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